

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4133

To expand the Tree Assistance Program of the Department of Agriculture to assist agricultural producers to pay the costs of replanting commercially grown trees and seedlings, ornamental plants, and other perennial plants that are destroyed by damaging weather or related condition and to change the manner of determining crop yields for trees and seedlings, ornamental plants, and other perennial plants for purposes of emergency crop loss assistance.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1994

Mr. GRANDY (for himself, Mr. ROSE, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LEACH, and Mr. NUSSLE) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To expand the Tree Assistance Program of the Department of Agriculture to assist agricultural producers to pay the costs of replanting commercially grown trees and seedlings, ornamental plants, and other perennial plants that are destroyed by damaging weather or related condition and to change the manner of determining crop yields for trees and seedlings, ornamental plants, and other perennial plants for purposes of emergency crop loss assistance.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXPANSION OF TREE ASSISTANCE PROGRAM.**

2 Subchapter C of chapter 3 of subtitle B of title XXII  
3 of the Food, Agriculture, Conservation, and Trade Act of  
4 1990 (Public Law 101-624; 7 U.S.C. 1421 note) is  
5 amended to read as follows:

6 **“Subchapter C—Forest Crops and Perennial**  
7 **Plants**

8 **“SEC. 2261. ELIGIBILITY.**

9 “(a) LOSS.—Subject to the limitation in subsection  
10 (b), the Secretary of Agriculture shall provide assistance  
11 under this subchapter to eligible agricultural producers  
12 who, as a result of damaging weather or related condition  
13 in a year, lose trees or seedlings, ornamental plants, or  
14 other perennial plants being grown by the producer for  
15 commercial purposes. In determining losses, the Secretary  
16 shall consider plants raised in containers or field produc-  
17 tion. The existence of damaging weather or related condi-  
18 tion shall be determined by the Secretary.

19 “(b) LIMITATION.—An eligible agricultural producer  
20 shall qualify for assistance under subsection (a) only if the  
21 loss, as a result of the damaging weather or related condi-  
22 tion, that is incurred by the producer to the trees, orna-  
23 mental plants, or other perennial plants for which assist-  
24 ance is sought exceeds 35 percent (adjusted for normal  
25 mortality). Except in determining the level of normal mor-  
26 tality, the Secretary shall not consider the year in which

1 the tree or plant was planted for purposes of determining  
2 eligibility for assistance under this subchapter.

3 **“SEC. 2262. ASSISTANCE.**

4 “The assistance provided by the Secretary of Agri-  
5 culture to eligible agricultural producers for losses de-  
6 scribed in section 2261 shall consist of reimbursement of  
7 65 percent of the cost of replanting trees, ornamental  
8 plants, or other perennial plants lost due to the damaging  
9 weather or related condition in a year in excess of 35 per-  
10 cent mortality (adjusted for normal mortality).

11 **“SEC. 2263. LIMITATION ON ASSISTANCE.**

12 “(a) LIMITATION.—The total amount of payments  
13 that a person may receive under this subchapter for losses  
14 incurred in a particular year may not exceed \$25,000, or  
15 an equivalent value in replacements.

16 “(b) REGULATIONS.—The Secretary of Agriculture  
17 shall issue regulations—

18 “(1) defining the term ‘person’ for the purposes  
19 of this subchapter, which shall conform, to the ex-  
20 tent practicable, to the regulations defining the term  
21 “person” issued under section 1001 of the Food Se-  
22 curity Act of 1985 (7 U.S.C. 1308) and the Disaster  
23 Assistance Act of 1988 (Public Law 100–387; 7  
24 U.S.C. 1421 note); and

1           “(2) prescribing such rules as the Secretary de-  
2           termines necessary to ensure a fair and reasonable  
3           application of the limitation established under sub-  
4           section (a).

5   **“SEC. 2264. DEFINITIONS.**

6           “As used in this subchapter:

7           “(1) ELIGIBLE AGRICULTURAL PRODUCER.—  
8           The term ‘eligible agricultural producer’ means a  
9           person who, on 1,000 acres or less, grows trees or  
10          seedlings, ornamental plants, or other perennial  
11          plants for commercial purposes either through sale  
12          of the tree or plant itself or sale of a crop harvested  
13          from the tree or plant. Such term shall include tree  
14          farmers and nursery growers who meet the acreage  
15          limitation specified in this paragraph.

16          “(2) PERENNIAL PLANT.—The term ‘perennial  
17          plant’ shall include low growing perennial turfgrass  
18          sod, but shall not include any perennial grass that  
19          is being grown for purposes other than ornamental  
20          use.

21   **“SEC. 2265. DUPLICATIVE PAYMENTS.**

22          “‘The Secretary of Agriculture shall establish guide-  
23          lines to ensure that no person receives duplicative pay-  
24          ments under this subchapter and the forestry incentives

1 program, agricultural conservation program, or other Fed-  
2 eral crop loss assistance program.”.

3 **SEC. 2. CROP YIELDS FOR EMERGENCY CROP LOSS ASSIST-**  
4 **ANCE FOR CERTAIN NONPROGRAM CROPS.**

5 Section 2244(d)(2) of the Food, Agriculture, Con-  
6 servation, and Trade Act of 1990 (Public Law 101–624;  
7 7 U.S.C. 1421 note) is amended by adding at the end the  
8 following new subparagraph:

9 “(E) SPECIAL RULES FOR CERTAIN  
10 NONPROGRAM CROPS.—In the case of trees or  
11 seedlings, ornamental plants, or other perennial  
12 plants included in the definition of nonprogram  
13 crop, the Commodity Credit Corporation shall  
14 adjust upward the historical yield determined  
15 under subparagraph (B) or (C) for a producer  
16 to reflect any increased production that was an-  
17 ticipated by the producer in the crop year for  
18 which disaster payments are sought under this  
19 section if the crops necessary to achieve such  
20 increased production were actually being grown  
21 at the time of the damaging weather or related  
22 condition.”.

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